HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.232 of 2005

Dated:23.11.2006

Between:

Kalluru Venkata Subba Reddy.

…Petitioner

and

The Mandal Revenue Officer and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.232 of 2005

ORDER:

The petitioner is a resident of Rajampet Village of Badvel Mandal in Kadapa District. He was assigned agricultural land in Survey Nos.549/B, 549/B3 and B4 admeasuring Acs.3.36 guntas. He filed the present Writ Petition alleging that due to Village factions, the Mandal Revenue Officer is trying to evict him without due process of law.

In the counter affidavit filed, while denying the allegation that there is an attempt to dispossess without due process of law, it is stated that the petitioner has encroached the burial ground in Survey No.549/B4, that he raised structures and erected a hayrick and even before proper action could be taken against him, the petitioner filed the present Writ Petition. A categorical averment is made by the Mandal Revenue Officer that the petitioner is not disturbed of land in Survey No.549/B3 admeasuring Ac.1.26 guntas.

In view of the averments, the Writ Petition must be held to have been filed based on the factual foundation, which is not sound. However, this Court observes that if for any reason the assignment given to the petitioner is to be cancelled, the respondents may have to follow due process of law and then take necessary action for eviction

of the petitioner.

Though interlocutory matters are listed, the Writ Petition is disposed of, as above. No costs.

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(V.V.S.RAO, J)

23.11.2006
vs